

**DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000**

**OFFICER: ANDREW HO
TAX NUMBER: 941907**

DISCLOSURES

In connection with the above person, whom the People may call as a witness, please be aware of the following:

1. Andrew Ho is a named defendant in the civil action Dennis Pender v. the City of New York, et al., 500043/2014, filed in Kings County Supreme Court, involving an incident that occurred on October 10, 2013.
2. Andrew Ho is a named defendant in the civil action Kemba Mason v. the City of New York, et al., 503133/2014, filed in Kings County Supreme Court, involving an incident that occurred on December 3, 2013.
3. Andrew Ho is a named defendant in the civil action Aaron Mealy v. the City of New York, et al., 007640/2015 filed in Kings County Supreme Court, involving an incident that occurred on March 18, 2014.
4. The CCRB has deemed substantiated the allegations that Anthony Ho on November 21, 2013, committed the violations of Abuse – Retaliatory Summons. These findings arose out of an encounter in the confines of the 79th Precinct on Vernon Avenue. Officer Ho and his partner maintained that they had seen what they thought was the complainant buying marijuana from an unapprehended man. According to the complainant, he had merely high-fived an acquaintance. Officer Ho ultimately issued him a summons for disorderly conduct. Force and discourtesy violations were upheld against Officer Ho's partner. Officer Ho denied observing any force on the part of his partner. The report further concluded that the issuing of a disorderly conduct summons was not justified.
5. The Civilian Complaint Review Board (CCRB) has deemed substantiated the allegation that Andrew Ho, on or about December 3, 2013, at approximately 1205 Hours while assigned to the 79th Precinct and on duty in the vicinity of Madison Street in Kings County, committed the violation of Force – Physical Force. Per the complainant, he was stopped for no reason at all on his way back from a store. He was placed on the hood of a car and despite his protestations that he lived right there, the officers attempted to place him in handcuffs and one officer – identified through video as Officer Ho – punched him in the face with a closed fist and in the back of his head with his forearm in a downward motion causing his head to hit the vehicle.

The complainant's medical records revealed that he was diagnosed with a contusion. Video obtained by the CCRB investigators is described in the CCRB Investigative Report in substance as follows: at 00:57, PO Ho punched the complainant once in the back of his head and at 01:11, slammed his forearm against the complainant's head, causing it to hit off

the hood of the patrol vehicle. It appears that the complainant is not handcuffed during this time and he also appears to be resisting arrest. At 01:24, Officer Ho appears to slap or attempt to slap the complainant once in the face after he was handcuffed.

Officer Ho told the investigators that the stop was made because the complainant was walking erratically in and out of the street. According to Officer Ho, the complainant resisted being handcuffed and was swinging his arms and trying to push the officers away. Officer Ho denied punching the complainant in the face on purpose or hit him against the car on purpose, and said that he was just trying to get his arms behind his back.

Officer Ho was shown the video (which he had not previously seen). At 01:11 into the video, he stated that he was using an arm bar, a technique that he has been trained to use, in an effort to get the complainant down and stabilize him against the vehicle. He acknowledged that he made contact with the back of the complainant's head. At the 01:24 mark of the video, which appears to show Officer Ho lifting his hand up and moving it in the direction of the complainant's face, Officer Ho stated that the motion he used was an accident. He stated that he was just pulling his arm up and did not make contact with the complainant. Officer Ho confirmed that the complainant was in handcuffs at this point. The complainant was arrested and charged with obstructing traffic, resisting arrest, and obstructing governmental administration.

The CCRB Investigative Recommendation report noted that "Several times during the interview, while being shown video footage of him striking [the complainant] in the head, PO Ho wiped his eyes and complained of allergies. He never complained of allergies or wiped his eyes at any other time during the interview."

The matter was referred to the New York Police Department (NYPD) which deemed substantiated the following allegations: (A) did he wrongfully use force against [a person], in that he struck [that person] in the back of the head and neck area. PG 203-11, Page 1, Paragraph 2 - Use of Force; and (B) he did wrongfully use force against [that person] in that he struck [that person] in the face. PG 203-11, Page 1, Paragraph 2 - Use of Force. Officer Ho pleaded guilty to these allegations.

6. As of March 3, 2020, the Civilian Complaint Review Board (CCRB) has pending against Andrew Ho an allegation of Abuse – Entry of Premises filed on October 15, 2018, involving an incident on February 26, 2018. No additional information is available at this time.

Should additional information subject to disclosure regarding this person become available, you will be advised accordingly.

Any information regarding civil law suit(s) against the officer is not necessarily a complete list of civil law suits in which that officer is a defendant.

The People reserve the right to oppose or move to limit the use in the case at hand of this information and any other information disclosed in the future.

If you have any questions in this regard, please contact the Assistant District Attorney assigned to the case in connection with which you are receiving this disclosure.